

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

BEN RHOADS,)	
)	
Plaintiff,)	Case No. 08-CV-524-TCK SAJ
)	
vs.)	
)	COMPLAINT
NORTHSTAR LOCATION SERVICES,)	
LLC,)	
)	JURY TRIAL REQUESTED
Defendant.)	

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Ben Rhoads, is a natural person residing in Tulsa County, and is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

4. At all relevant times herein, Defendant, Northstar Location Services, LLC, ("Defendant") was a limited liability company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. § 1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore

is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to:

- a) Communicating with Plaintiff repeatedly about a debt allegedly belonging to another, and refusing to stop after several requests by Plaintiff (§ 1692d; & § 1692c(b) & § 1692b(3);
- b) Using language the natural consequence of which is to harass & abuse Plaintiff, including telling Plaintiff that he wouldn’t receive a bill in writing because they “can’t deliver mail to a trailer park”;
- c) Refusing to provide meaningful identification in telephone calls to Plaintiff, including failure by individual callers to give their personal name (§ 1692d(6).

6. Defendant’s aforementioned violations of the FDCPA also constitute an invasion of Plaintiff’s right to privacy, causing injury to Plaintiff’s feelings, mental anguish and distress.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

7. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant’s conduct violated the FDCPA;

- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION

8. Plaintiff reincorporates by reference all of the preceding paragraphs.

9. Defendant's aforementioned violations of the FDCPA also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. Plaintiff had a subjective expectation of privacy in the context of Defendant's actions that was objectively reasonable under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 9th day of September, 2008

By: s/John M. Hunt
John M. Hunt (OBA # 20736)
WEISBERG & MEYERS, LLC
433 W. Wilshire, Ste A
Oklahoma City, OK 73116
866 775 3666 ext 218
866-565-1327 facsimile
jhunt@AttorneysForConsumers.com
Attorneys for Plaintiff